

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**OMOWALE AKINTUNDE, and
MANFRED WOGUGU,**

Plaintiffs,

V.

**UNIVERSITY OF NEBRASKA AT
OMAHA, BOARD OF REGENTS OF
THE UNIVERSITY OF NEBRASKA
- OMAHA, DAVID BOOCKER, and
DOES 1 THROUGH 4, in their
Individual capacity,**

Defendants.

4:15CV3011

ORDER

This matter is before the Court on Plaintiffs' Motion for Leave to File a Reply to Defendant Boocker's Answer to Complaint ([filing 42](#)) and Plaintiffs' Motion to Seal Exhibit A ([filing 44](#)). Plaintiffs' motions will be denied.

Defendants filed a Motion to Dismiss Plaintiffs' Second Amended Complaint ([filing 20](#)) on May 6, 2015. Defendant Boocker filed a Motion for Judgment on the Pleadings on May 19, 2015. ([Filing 23](#).) Plaintiffs were granted an extension of time to respond to Defendants' motions on June 2, 2015. ([Filing 27](#).) Per the Court's Order, Plaintiffs were to respond to the motions by June 12, 2015.

Having not responded to Defendants' pending motions by the June 12, 2015 deadline, Plaintiffs filed a motion requesting another extension of the deadline to respond to Defendants' motions on June 16, 2015. ([Filing 28](#).) The motion was opposed by Defendants on the basis that the motion was untimely as the deadline for responding to Defendants' motions had passed. ([Filing 30](#).) On June 22, 2015, Plaintiffs noticed that their second motion for extension of time was filed incorrectly, so they submitted a motion requesting that the motion for extension of time be stricken. ([Filing 32](#).) On that date, Plaintiffs also filed a corrected motion for extension of time. ([Filing 31](#).) The Court granted Plaintiffs' request to strike the original motion for extension of time, and accepted Plaintiffs' amended motion.

(Filing 33.)

Over Defendants' objection, giving Plaintiffs the benefit of the doubt, the Court granted Plaintiffs' second motion for extension of time, allowing Plaintiffs to file their responses to Defendants' motions out of time. Plaintiffs were directed to file their responses no later than July 10, 2015. (Filing 41.) At that time, Plaintiffs were advised that no further extensions of time would be granted.

Once again, Plaintiffs did not respond to Defendants' pending motions by the deadline imposed by the Court. Instead, on July 13, 2015, Plaintiffs filed their Motion for Leave to File a Reply to Defendant Booker's Answer to Complaint. ([Filing 42](#).) Plaintiffs' proposed reply to Defendants' Answer was not attached to the motion. On July 14, 2015, Plaintiffs filed their Motion to Seal Exhibit A ([filing 44](#)), which requests that the Court allow them to file a videotape to be offered in support of their Motion for Leave to File a Reply under seal. In addition, on July 14, 2015, Plaintiffs' counsel emailed to Court chambers a "substantially complete draft" of Plaintiffs' proposed reply to Defendants' Answer.

With this background in mind, the Court will deny Plaintiffs' Motion for Leave to File a Reply to Defendant Booker's Answer to Complaint ([filing 42](#)) and Plaintiffs' related Motion to Seal Exhibit A ([filing 44](#)). Having reviewed Plaintiffs' current Motion for Leave to File a Reply, it is clear that the motion is primarily a ploy to respond to Defendants' pending motions out of time. Not only that, it appears that Plaintiffs have not even finalized their proposed reply to Defendants' Answer. The Court has given Plaintiffs every opportunity to file responses to Defendants' motions, yet Plaintiffs have continually failed to do so. Moreover, Plaintiffs have not articulated any legitimate reason to grant them leave to reply to Defendants' Answer at this point in the litigation.

IT IS ORDERED that Plaintiffs' Motion for Leave to File a Reply to Defendant Booker's Answer to Complaint ([filing 42](#)) and Plaintiffs' Motion to Seal Exhibit A ([filing 44](#)) are denied.

DATED July 20, 2015.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**